

DOCKET NO.: RUBC-0046(99-002US)

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Joachim Messing, et al.

Application No.: 09/763,329

Filing Date: July 9, 2001

For: **COMPOSITIONS AND METHODS FOR PRODUCING HIGH-LEVEL SEED
SPECIFIC GENE EXPRESSION IN CORN**

Confirmation No.: 4832

Group Art Unit: 1638

Examiner: Mehta, Ashwin D

DATE OF DEPOSIT: July 15, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID,
ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE UNITED STATES PATENT AND
TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450.

Scott E. Scioli

TYPED NAME: Scott E. Scioli
REGISTRATION NO.: 47,930

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached;

or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☒ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☐ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No.

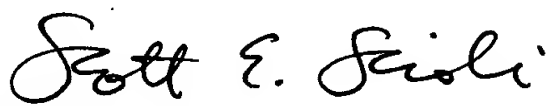
, filed

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Enclosed is a copy of the EPO Supplementary European Search Report dated **April 29, 2004**, which indicates the references to be relevant.

There are no listed references which are not in the English language.

Date: *July 15, 2004*



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Dear Sir:

CERTIFICATION UNDER 37 CFR § 1.97(e)

In accordance with 37 CFR § 1.97(e), certification is hereby made that:

- ☒ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Date: July 15, 2004



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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. RUBC-0046(99-002US)	Application No. 09/763,329
		Applicant Joachim Messing, et al.	
		Filing Date July 9, 2001	Group 1638
		Confirmation No. 4832	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	28	Sharma, S.B. et al., "Expression of a Sulfur-Rich Maize Seed Storage Protein, δ -Zein, in White Clover (<i>Trifolium Repens</i>) to Improve Forage Quality", <i>Molecular Breeding</i> , 1998, 4, 435-448, XP-009029886	
EXAMINER		DATE CONSIDERED	

Form PTO-1449 Modified

List of Patent and Publications
Cited by Applicant
(Use several sheets if necessary)

U.S. Department of Commerce
Patent and Trademark Office

Docket No.
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Applicant
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Group
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4832

U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	29	5,633,436	05/27/97	Wandelt	800	205

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	30	WO 92/14822	09/03/02	PCT		
	31	WO 93/08682	05/13/93	PCT		

EXAMINER**DATE CONSIDERED**